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VIA OVERNIGHT EXPRESS
(1 Original and 4 copies)

October 8, 1997

Office of Secretary
Federal Communications Commission
1919 M Street, Room 222, NW
Washington, DC 20544

Re: Comments by Palm Beach County, Florida on Notice of Proposed
Rulemaking (WT Docket No. 97-192) 97-192

To Whom It May Concern:

Palm Beach County, Florida, by and through the undersigned counsel,
hereby makes the following comments regarding Notice of Proposed
Rulemaking (WT Docket 97-192) 97-192:

1. Palm Beach County supports establishment of guidelines by
which local governments can request documentation that proposed wireless
facilities comply with Commission RF standards. Such documentation is
necessary in order to make informed zoning decisions and to provide
assurance to the public regarding the safety of proposed facilities.

2. The "more detailed showing" of compliance described in
paragraph 144 of Notice of Proposed Rulemaking would provide adequate
information to base local zoning petitions. The costs of demonstrating and
documenting RF compliance must be borne by the wireless carriers. Local
taxpayers should not be required to pay for the cost of the preparation of the
demonstration of compliance. Wireless carriers must be treated no

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differently than any other developers and must be required to pay full cost of the development permitting process.

3. If the Commission limits the showing of RF compliance to a written statement of compliance, local governments need the option of revoking permits that were issued based on the false information. Misrepresentation of material information on a permit application is grounds to revoke any permit. Wireless carriers should be subject to the same penalties as any other applicant submitting a false application.

4. The following are approximate time frames to obtain Palm Beach County development approvals for wireless towers if complete applications are submitted.

Building permit - 3 to 4 weeks
Development review committee (DRC) - 35 days
Zoning Commission (including DRC review) - 65 days
Board of County Commissioners
(including DRC and Zoning Commission review) - 85 days
Board of Adjustment (variance requests) - 45 days

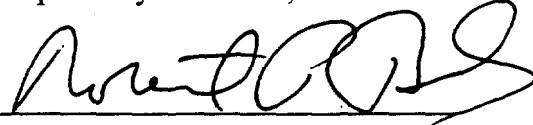
The type of approvals that are necessary vary based on the location of the proposed facility and the type and size of the proposed facilities.

5. The Commission should not grant relief from state and local regulations based on "indirect" RF concerns. The local public hearing process is informal. It is quasi-judicial in nature. Local governments typically allow speakers at public hearings with little control over what the speakers say. If "indirect" RF considerations can trigger preemption of local government decision making, local governments will be forced to constrict the allowable testimony at public hearings. Section 332(c)(7)(B)(XII) requires that decisions of local government regarding wireless facilities be in writing and be supported by competent substantial evidence contained in a written record. The

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fact that there must be competent evidence is the safeguard against an improper decision, regardless of any irrelevant evidence presented at a hearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert P. Banks', written over a horizontal line.

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